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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,399

09/12/2006

Martin Geiger

4191-000006/US/NP

2355

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

08/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,399	<b>Applicant(s)</b> GEIGER ET AL.	
	<b>Examiner</b> Christopher Verdier	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4-20-06, 1-22-07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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Receipt and entry of Applicant's Preliminary Amendments dated April 20, 2006 and July 2, 2007 are acknowledged.

***Information Disclosure Statement***

The Information Disclosure Statement dated January 22, 2007 has been lined through by the examiner, since it does not contain an area for the examiner's signature and the date. The International Preliminary Report on Patentability listed thereon has been listed by the examiner on form PTO-892.

***Specification***

The abstract of the disclosure is objected to because at the last line, "Fig. 1" should be deleted. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

Claims 1-13 are objected to because of the following informalities: Appropriate correction is required.

In claim 1, line 5, "the" (first occurrence) should be deleted.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite claim language too numerous to mention in all instances. The following are examples of vague and indefinite claim language. The claims and their dependencies should be carefully checked to ensure compliance with 35 USC 112, second paragraph. In claim 1, lines 2-3, “and an air outlet, a pressure space being formed between the latter” is incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are a second additional element between which the pressure space is formed. In claim 3, line 2, “the flow channels” lacks antecedent basis. In claim 3, line 3, “the outer cylinder” lacks antecedent basis. In claim 3, lines 3-4, “the two components” is unclear as to which elements make up the two components. In claim 4, line 3, “the element” lacks antecedent basis. In claim 4, lines 3-4, “the outer cylinder” lacks antecedent basis. In claim 5, line 3, “the inflow opening” lacks antecedent basis. In claim 5, line 3, “the outflow opening” lacks antecedent basis. In claim 6, line 2, “the access gap” lacks antecedent basis. In claim 7, line 3, “a respective settling chamber” is unclear if this is meant to refer to the respective inflow and outflow opening, or not. In claim 7, line 3, “an inflow opening” is a double recitation of the inflow opening in claim 5. In claim 10, line 2, “the further medium” lacks antecedent basis. In claim 12, line 2, “the sensor” is unclear as to which sensor is referred to, since there are two different sensors. In claim 13, line 2, “the sensor” is unclear as to which sensor is referred to, since there are two different sensors.

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***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Muhlberg is cited to show a blower with dual inlets.

Flanders is cited to show a blower with a bypass.

Heck is cited to show a fan with distribution openings.

***Allowable Subject Matter***

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824.

The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Verdier/  
Primary Examiner, Art Unit 3745

Christopher Verdier  
Primary Examiner  
Art Unit 3745